

**KAZEROUNI LAW GROUP, APC**

Abbas Kazerounian, Esq. (SBN: 249203)

ak@kazlg.com

Jason A. Ibey, Esq. (SBN: 284607)

Jason@kazlg.com

2700 N. Main Street, Suite 1000

Santa Ana, California 92705

Telephone: (800) 400-6808

Facsimile: (800) 520-5523

**HYDE & SWIGART**

Joshua B. Swigart, Esq. (SBN: 225557)

josh@westcoastlitigation.com

2221 Camino Del Rio South, Suite 101

San Diego, CA 92108

Telephone: (619) 233-7770

Facsimile: (619) 297-1022

*Attorneys for Plaintiffs,*

Casey Blotzer, Josh Friedman, and Jillian Green

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**CASEY BLOTZER; JOSH  
FRIEDMAN; and JILLIAN  
GREEN, Individually and On  
Behalf of All Others Similarly  
Situated,**

Plaintiffs,

v.

**INSTANT INSURANCE  
MARKETING a/k/a INSTANT  
INSURANCE TRANSFERS; and  
STATE FARM MUTUAL  
AUTOMOBILE INSURANCE  
COMPANY,**

Defendants.

**Case No.: '13CV1797 JAH NLS**

**CLASS ACTION**

**COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF PURSUANT  
TO THE TELEPHONE CONSUMER  
PROTECTION ACT, 47 U.S.C. § 227,  
ET SEQ.**

**JURY TRIAL DEMANDED**

**INTRODUCTION**

1. CASEY BLOTZER (“Ms. Blotzer,” collectively the “Plaintiffs”), JOSH FRIEDMAN (“Mr. Friedman,” collectively the “Plaintiffs”) and JILLIAN GREEN (“Ms. Green,” collectively the “Plaintiffs”) bring this Class Action Complaint for damages, injunctive relief, and any other available legal or equitable remedies, resulting from the illegal actions of INSTANT INSURANCE MARKETING a/k/a INSTANT INSURANCE TRANSFERS (“INSTANT INSURANCE MARKETING,” collectively the “Defendants”) and STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY (“STATE FARM,” collectively the “Defendants”) in negligently and/or intentionally contacting Plaintiffs on Plaintiffs’ cellular telephones, in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 et seq., (“TCPA”), thereby invading Plaintiffs’ privacy. Plaintiffs allege as follows upon personal knowledge as to themselves and their own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by their attorneys.
2. The actions alleged herein to have been undertaken by the Defendants were undertaken by each defendant individually, were actions that each defendant caused to occur, were actions that each defendant authorized, controlled, directed, or had the ability to authorize, control or direct, and/or were actions each defendant assisted, participated in, or otherwise encouraged, and are actions for which each defendant is liable. Each defendant aided and abetted the actions of the defendants set forth below, in that each defendant had knowledge of those actions, provided assistance and benefited from those actions, in whole or in part. Each of the defendants was the agent of each of the remaining defendants, and in doing the things hereinafter alleged, was acting within the course and scope of such agency and with the permission and consent of other defendants.

3. The TCPA was designed to prevent calls like the ones described within this complaint, and to protect the privacy of citizens like Plaintiffs. “Voluminous consumer complaints about abuses of telephone technology – for example, computerized calls dispatched to private homes – prompted Congress to pass the TCPA.” *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 744 (2012).

4. In enacting the TCPA, Congress intended to give consumers a choice as to how creditors and telemarketers may call them, and made specific findings that “[t]echnologies that might allow consumers to avoid receiving such calls are not universally available, are costly, are unlikely to be enforced, or place an inordinate burden on the consumer. TCPA, Pub.L. No. 102–243, § 11. Toward this end, Congress found that:

[b]anning such *automated* or prerecorded telephone calls to the home, except when the receiving party consents to receiving the call or when such calls are necessary in an emergency situation affecting the health and safety of the consumer, is the only effective means of protecting telephone consumers from this nuisance and privacy invasion.

*Id.* at § 12 (emphasis added); *see also Martin v. Leading Edge Recovery Solutions, LLC*, 2012 WL 3292838, at \*4 (N.D. Ill. Aug. 10, 2012) (citing Congressional findings on TCPA’s purpose).

5. Congress also specifically found that “the evidence presented to the Congress indicates that automated or prerecorded calls are a nuisance and an invasion of privacy, regardless of the type of call....” *Id.* at §§ 12-13. *See also, Mims*, 132 S. Ct. at 744.

6. As Judge Easterbrook of the Seventh Circuit recently explained in a TCPA case regarding calls similar to this one:

The Telephone Consumer Protection Act ... is well known for its provisions limiting junk-fax transmissions.

1 A less-litigated part of the Act curtails the use of  
 2 automated dialers and prerecorded messages to cell  
 3 phones, whose subscribers often are billed by the minute  
 4 as soon as the call is answered—and routing a call to  
 5 voicemail counts as answering the call. An automated  
 6 call to a landline phone can be an annoyance; an  
 7 automated call to a cell phone adds expense to  
 8 annoyance.

9 *Soppet v. Enhanced Recovery Co., LLC*, 679 F.3d 637, 638 (7th Cir. 2012).

- 10 7. The Ninth Circuit recently affirmed certification of a TCPA class case  
 11 similar to this one in *Meyer v. Portfolio Recovery Associates, LLC*, \_\_  
 12 F.3d \_\_, 2012 WL 4840814 (9th Cir. Oct. 12, 2012).

### 13 JURISDICTION AND VENUE

- 14 8. This Court has federal question jurisdiction because this case arises out of  
 15 violation of federal law. 47 U.S.C. §227(b); *Mims v. Arrow Fin. Servs., LLC*,  
 16 132 S. Ct. 740 (2012).  
 17 9. Venue is proper in the United States District Court for the Southern District  
 18 of California pursuant to 18 U.S.C. § 1391(b) because Plaintiffs are residents  
 19 of the State of California and Defendant is subject to personal jurisdiction in  
 20 the County of San Diego, State of California as it conducts business there.

### 21 PARTIES

- 22 10. Plaintiffs are, and at all times mentioned herein were, citizens and residents  
 23 of the State of California. Plaintiffs are, and at all times mentioned herein  
 24 were, “person(s)” as defined by 47 U.S.C. § 153 (39).  
 25 11. Plaintiffs are informed and believe, and thereon allege, that STATE FARM  
 26 is, and at all times mentioned herein was, a corporation whose primary  
 27 corporate address is in Bloomington, Illinois.  
 28 12. STATE FARM is and at all times mentioned herein was, a corporation and  
 is a “person,” as defined by 47 U.S.C. § 153 (39).  
 13. STATE FARM is a nationwide provider of automobile insurance.

1 14.Plaintiffs are informed and believe, and thereon allege, that INSTANT  
2 INSURANCE MARKETING is, and at all times mentioned herein was, a  
3 corporation whose primary corporate address is in Los Angeles, California.

4 15.INSTANT INSURANCE MARKETING is and at all times mentioned  
5 herein was, a corporation and is a “person,” as defined by 47 U.S.C. § 153  
6 (39).

7 16.INSTANT INSURANCE MARKETING is a privately held marketing firm  
8 that provides sales and marketing services to insurance agents.

9 17.Plaintiffs are informed and believe, and thereon allege, that INSTANT  
10 INSURANCE MARKETING was acting as the agent for STATE FARM,  
11 the principal, at all times relevant. In this capacity, Plaintiffs are informed  
12 and believe, and thereon allege, that INSTANT INSURANCE  
13 MARKETING was authorized to act on behalf of STATE FARM to solicit  
14 business from and/or create legal relationships with third parties, such as  
15 Plaintiffs.

16 18.At a minimum, INSTANT INSURANCE MARKETING maintained  
17 apparent authority to act on behalf of STATE FARM, since Plaintiffs  
18 reasonably believed that an agency relationship existed with STATE FARM  
19 and this reasonable belief was traceable to a manifestation of STATE  
20 FARM.

21 19.STATE FARM knowingly accepted the benefits of the TCPA violations  
22 alleged herein by receiving compensation from consumers solicited on  
23 behalf of STATE FARM by the agents of STATE FARM.

24 **FACTUAL ALLEGATIONS**

25 20.On or about July 16, 2013, STATE FARM or its agent INSTANT  
26 INSURANCE MARKETING contacted Ms. Blotzer on Ms. Blotzer’s  
27 cellular telephone number ending in 3426 via an automatic telephone dialing  
28

1 system (“ATDS”) as defined by 47 U.S.C. § 227(a)(1), using an “artificial or  
2 prerecorded voice” as prohibited by 47 U.S.C. § 227(b)(1)(A).

3 21. On or about June 19, 2013, at approximately 4:07 p.m., INSTANT  
4 INSURANCE MARKETING, as an agent for STATE FARM, contacted  
5 Mr. Friedman on Mr. Friedman’s cellular telephone number ending in 5289  
6 via an automatic telephone dialing system (“ATDS”) as defined by 47  
7 U.S.C. § 227(a)(1), using an “artificial or prerecorded voice” as prohibited  
8 by 47 U.S.C. § 227(b)(1)(A).

9 22. Beginning on or about May 31, 2013, INSTANT INSURANCE  
10 MARKETING, as an agent for STATE FARM, contacted Ms. Green on  
11 Ms. Green’s cellular telephone number ending in 6190 via an automatic  
12 telephone dialing system (“ATDS”) as defined by 47 U.S.C. § 227(a)(1),  
13 using an “artificial or prerecorded voice” as prohibited by 47 U.S.C. §  
14 227(b)(1)(A).

15 23. This ATDS has the capacity to store or produce telephone numbers to be  
16 called, using a random or sequential number generator.

17 24. At no time did Plaintiffs enter into a business relationship with Defendants.

18 25. At no time did Plaintiffs provide their cellular phone numbers to Defendants  
19 through any medium.

20 26. Upon information and belief, the purpose of these calls from STATE FARM  
21 or its agent INSTANT INSURANCE MARKETING was to solicit business  
22 from Plaintiffs regarding automobile insurance.

23 27. After Ms. Blotzer received a prerecorded call from telephone number (714)  
24 676-2045, Ms. Blotzer called the number back and was connected to a  
25 representative of INSTANT INSURANCE MARKETING. This  
26 representative attempted to solicit business from Ms. Blotzer regarding  
27 automobile insurance. After Ms. Blotzer provided information about the  
28 year, make and model of her car, she was transferred to a representative of

1 STATE FARM.

2 On a separate occasion, Mr. Blotzer called back the same number and  
3 provided information regarding a different make and model of a vehicle and  
4 was again transferred to a representative of STATE FARM.

5 28.The prerecorded call received by Mr. Friedman from telephone number  
6 (323) 679-2214 concerned the lowering of insurance rates and was an  
7 attempt to solicit Mr. Friedman's business. When a person calls back the  
8 number (323) 679-2214, the person hears a prerecorded message stating,  
9 among other things, that automobile insurance companies such as State Farm  
10 are competing for the consumer's business. Upon information and belief,  
11 when a consumer calls back telephone number (323) 679-2214, presses "1"  
12 to speak with a live representative, and expresses interest in receiving an  
13 automobile insurance quote, that individual is transferred to a representative  
14 of STATE FARM.

15 29.When Ms. Green received one of the prerecorded calls from telephone  
16 number (714) 676-2045, she pressed "1" to be connected to a live agent who  
17 informed Ms. Green that the call was from INSTANT INSURANCE  
18 MARKETING. This representative of INSTANT INSURANCE  
19 MARKETING transferred Ms. Green to a representative of STATE FARM.  
20 Prior to transferring the call, the representative of INSTANT INSURANCE  
21 MARKETING informed Ms. Green that INSTANT INSURANCE  
22 MARKETING regularly sends clients to STATE FARM.

23 30.Upon information and belief, STATE FARM solicits and/or accepts  
24 insurance leads provided by INSTANT INSURANCE MARKETING to  
25 STATE FARM on behalf of STATE FARM.

26 31.STATE FARM or its agent INSTANT INSURANCE MARKETING  
27 contacted Ms. Blotzer from telephone number (714) 676-2045 belonging to  
28 STATE FARM or INSTANT INSURANCE MARKETING.



1 32.To date, Ms. Green has received two calls from INSTANT INSURANCE  
2 MARKETING acting as an agent for STATE FARM, including on or  
3 about May 31, 2013 from telephone number (949) 954-3115 at  
4 approximately 1:09 p.m. PST, and on or about July 22, 2013 at  
5 approximately 4:20 p.m. PST from telephone number (714) 676-2045.

6 33.STATE FARM contacted Ms. Green by live representative from telephone  
7 number (949) 646-4848 at approximately 4:31 p.m. PST on July 22, 2013.

8 34.STATE FARM or its agent INSTANT INSURANCE MARKETING  
9 contacted Mr. Friedman from telephone number (323) 679-2214 belonging  
10 to STATE FARM or INSTANT INSURANCE MARKETING.

11 35.The telephone numbers STATE FARM or INSTANT INSURANCE  
12 MARKETING called were assigned to a cellular telephone service for which  
13 Plaintiffs incur a charge for incoming calls pursuant to 47 U.S.C. §  
14 227(b)(1).

15 36.These telephone calls constituted calls that were not for emergency purposes  
16 as defined by 47 U.S.C. § 227(b)(1)(A)(i).

17 37.Plaintiffs did not provide Defendants prior express consent to receive calls to  
18 their cellular telephone utilizing an ATDS or artificial or prerecorded voice,  
19 pursuant to 47 U.S.C. § 227 (b)(1)(A).

20 38.These telephone calls by Defendants or their agent(s), violated 47 U.S.C. §  
21 227(b)(1), except for the telephone call described in Paragraph 33.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///



**CLASS ACTION ALLEGATIONS**

39. Plaintiffs bring this action on behalf of themselves and on behalf of all others similarly situated (the “Class”).

40. Plaintiffs represent, and are members of the Class, consisting of:

All persons within the United States who received any telephone call from Defendants or their agent to said person’s cellular telephone made through the use of any automatic telephone dialing system or with an artificial or prerecorded voice within the four years prior to the filing of the Complaint.

41. Defendants and their employees or agents are excluded from the Class.

Plaintiffs do not know the number of members in the Class, but believes the Class members number in the tens of thousands, if not more. This matter should therefore be certified as a Class action to assist in the expeditious litigation of this matter.

42. Plaintiffs and members of the Class were harmed by the acts of Defendants in at least the following ways: Defendants, either directly or through its agents, illegally contacted Plaintiffs and the Class members via their cellular telephones by using an ATDS and/or artificial or prerecorded voice, thereby causing Plaintiffs and the Class members to incur certain cellular telephone charges or reduce cellular telephone time for which Plaintiffs and the Class members previously paid, and invading the privacy of said Plaintiffs and the Class members. Plaintiffs and the Class members were damaged thereby.

43. This suit seeks only damages and injunctive relief for recovery of economic injury on behalf of the Class, and it expressly is not intended to request any recovery for personal injury and claims related thereto. Plaintiffs reserve the right to expand the Class definition to seek recovery on behalf of additional persons as warranted as facts are learned in further investigation and discovery.

1 44. The joinder of the Class members is impractical and the disposition of their  
2 claims in the Class action will provide substantial benefits both to the parties  
3 and to the court. The Class can be identified through Defendants' records or  
4 Defendants' agents' records.

5 45. There is a well-defined community of interest in the questions of law and  
6 fact involved affecting the parties to be represented. The questions of law  
7 and fact to the Class predominate over questions which may affect  
8 individual Class members, including the following:

- 9 a) Whether, within the four years prior to the filing of the Complaint,  
10 Defendants or their agents sent any artificial or prerecorded voice  
11 message to the Class (other than a message made for emergency  
12 purposes or made with the prior express consent of the called party)  
13 using any automatic dialing system to any telephone number assigned  
14 to a cellular phone service;
- 15 b) Whether Plaintiffs and the Class members were damaged thereby, and  
16 the extent of damages for such violation; and
- 17 c) Whether Defendants and their agents should be enjoined from  
18 engaging in such conduct in the future.

19 46. As persons that received at least one prerecorded call utilizing an ATDS  
20 without Plaintiffs' prior express consent, Plaintiffs are asserting claims that  
21 are typical of the Class. Plaintiffs will fairly and adequately represent and  
22 protect the interests of the Class in that Plaintiffs have no interests  
23 antagonistic to any member of the Class.

24 47. Plaintiffs and the members of the Class have all suffered irreparable harm as  
25 a result of the Defendants' unlawful and wrongful conduct. Absent a class  
26 action, the Class will continue to face the potential for irreparable harm. In  
27 addition, these violations of law will be allowed to proceed without remedy  
28 and Defendants will likely continue such illegal conduct. Because of the

size of the individual Class member's claims, few, if any, Class members could afford to seek legal redress for the wrongs complained of herein.

48. Plaintiffs have retained counsel experienced in handling class action claims and claims involving violations of the Telephone Consumer Protection Act.

49. A class action is a superior method for the fair and efficient adjudication of this controversy. Class-wide damages are essential to induce Defendants to comply with federal and California law. The interest of Class members in individually controlling the prosecution of separate claims against Defendants is small because the maximum statutory damages in an individual action for violation of privacy are minimal. Management of these claims is likely to present significantly fewer difficulties than those presented in many class claims.

50. Defendants have acted on grounds generally applicable to the Class, thereby making appropriate final injunctive relief and corresponding declaratory relief with respect to the Class as a whole.

#### **FIRST CAUSE OF ACTION**

#### **NEGLIGENT VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT**

#### **47 U.S.C. § 227 ET SEQ.**

51. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

52. The foregoing acts and omissions of Defendants constitute numerous and multiple negligent violations of the TCPA, including but not limited to each and every one of the above-cited provisions of 47 U.S.C. § 227 et seq.

53. As a result of Defendants' negligent violations of 47 U.S.C. § 227 et seq., Plaintiffs and the Class are entitled to an award of \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

54. Plaintiffs and the Class are also entitled to and seek injunctive relief prohibiting such conduct in the future.

**SECOND CAUSE OF ACTION**

**KNOWING AND/OR WILLFUL VIOLATIONS OF THE  
TELEPHONE CONSUMER PROTECTION ACT**

**47 U.S.C. § 227 ET SEQ.**

55.Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

56.The foregoing acts and omissions of Defendants constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above-cited provisions of 47 U.S.C. § 227 et seq.

57.As a result of Defendant’ knowing and/or willful violations of 47 U.S.C. § 227 et seq., Plaintiffs and the Class are entitled to an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

58.Plaintiffs and the Class are also entitled to and seek injunctive relief prohibiting such conduct in the future.

**PRAYER FOR RELIEF**

Wherefore, Plaintiffs respectfully request the Court grant Plaintiffs and the Class members the following relief against Defendants, and each of them:

**FIRST CAUSE OF ACTION FOR NEGLIGENT VIOLATION OF  
THE TCPA, 47 U.S.C. § 227 ET SEQ.**

- As a result of Defendants’ negligent violations of 47 U.S.C. § 227(b)(1), Plaintiffs seek for themselves and each Class member \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).
- Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such conduct in the future.
- Any other relief the Court may deem just and proper.

**SECOND CAUSE OF ACTION FOR KNOWING AND/OR WILLFUL VIOLATIONS OF  
THE TCPA, 47 U.S.C. § 227 ET SEQ.**

- As a result of Defendants' knowing and/or willful violations of 47 U.S.C. § 227(b)(1), Plaintiffs seek for themselves and each Class member \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).
- Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such conduct in the future.
- Any other relief the Court may deem just and proper.

**TRIAL BY JURY**

59. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiffs are entitled to, and demand, a trial by jury.

Dated: August 1, 2013

Respectfully submitted,

**KAZEROUNI LAW GROUP, APC**

By: /s/ Abbas Kazerounian  
Abbas Kazerounian  
ATTORNEYS FOR PLAINTIFFS

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

CASEY BLOTZER; JOSH FRIEDMAN; and JILLIAN GREEN,  
Individually and On Behalf of All Others Similarly Situated,

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Kazerouni Law Group, APC; 2700 N. Main Street, Suite 1000  
Santa Ana, CA 92705 (800) 400-6808

**DEFENDANTS**

INSTANT INSURANCE MARKETING a/k/a INSTANT  
INSURANCE TRANSFERS; and STATE FARM MUTUAL

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

**'13CV1797 JAH NLS**

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**47 U.S.C. § 227 et seq. ; 5 : 552**

Brief description of cause:

Violations to the Telephone Consumer Protection Act

**VII. REQUESTED IN COMPLAINT:**

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

5,000,001.00+

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

08/01/2013

s/Abbas Kazerounian

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553  
Brief Description: Unauthorized reception of cable service

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.